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Saylor's Anti-Spyware Bill Passes State House

HARRISBURG – A bill to make it illegal to install spyware and adware onto computers in Pennsylvania was passed by the state House today. House Bill 1697, authored by Rep. Stan Saylor (R-York), will empower state residents, companies, and the attorney general's office to prosecute individuals who secretly install these malicious computer programs.

"Pennsylvania residents shouldn't have to fear secret programs being installed on their home computers to spy on their activities," said Saylor. "Beyond the invasion of privacy, the greatest threat from spyware is identity theft. This bill will put a huge dent into high-tech thievery."

Identity theft is the most popular consumer crime. The U.S. Federal Trade Commission (FTC) received 246,570 identity theft complaints in 2004. Consumer fraud and identity theft accounted for financial losses over \$547 million that same year.

According to the FTC, 7,563 Pennsylvanians were victims of identity theft last year. In total, a quarter of a million Americans were victims of identity theft in 2004.

The number of illegal transfers of money from personal bank accounts doubled between 2002 and 2004 to amount for 18 percent of identity theft complaints. Credit card fraud was the top complaint at 28 percent.

House Bill 1697 will amend Title 18 (Crimes and Offenses) to add a section on the unlawful distribution of adware or spyware. The legislation provides individuals with a legal recourse to recoup losses associated with damages caused by adware and spyware.

Adware are malicious programs that are secretly installed on computers to generate advertising in the way of Internet browser windows that appear out of no where, otherwise called "pop-ups." Some programs can hijack Internet browsers to automatically direct consumers to "pay" Web sites, most notably pornographic sites.

Spyware are computer programs that automatically, and without the control and, typically, knowledge of consumers, gather personal and financial information, and transmit it the provider of the spyware program or to a third party. This is a common way to steal a person's identity.

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Malware is the general classification of malicious programs that harm computer operating systems. Malware can take the form of spyware or adware, but can also be used to reprogram operating systems to allow modems to be hijacked to make international phone calls or allow the maker of the malware to take control of a person's computer for illegal purposes.

Malware is most often installed surreptitiously by visiting certain Web sites or by clicking on attachments in spam e-mails.

The secondary negative effect on consumers is that malware can slow down or even completely freeze computers.

Last year, the worldwide business community spent an estimated \$200 billion trying to combat and repair damage caused by malware (including viruses, worms and Trojans).

Saylor's measure is a companion bill to legislation in the state Senate by Sen. John Gordner (R-27). The spyware bills are part of a larger package of "cyber crime" bills.

The bill now heads to the Senate for consideration.

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